

**CITY OF HOLLYWOOD  
INTEROFFICE MEMORANDUM**

**TO:** Mayor and Commissioners

**DATE:** March 17, 2015

**FROM:** Jeffrey P. Sheffel, City Attorney

**SUBJECT:** Proposed Purchase Order with Hach

---

I have discussed the above Agreement with the participating Department/Office, and the proposed general business terms and other significant provisions are as follows:

- 1) Department/Division involved – Public Utilities
- 2) Type of Agreement – Blanket Purchase Order
- 3) Method of Procurement (RFP, bid, etc.) – Section 38.40(C)(3) of the City's Purchasing Ordinance provides that, sole-source supplies and services, such as unique, patented, or franchised supplies or services, are exempt if the Director determines, after conducting a good faith review of available sources, that the particular supply or service is available from only one source; however, such purchases with an estimated annual cost in excess of \$50,000 require a formal written contract approved by the Commission.
- 4) Term of Contract
  - a) initial – Includes Hach WIMS with 5 concurrent users, 2 facility databases, 1 year of support.
  - b) renewals (if any) – n/a
  - c) who exercises option to renew – n/a
- 5) Contract Amount – \$67,590.00
- 6) Termination Rights – City, acting through its City Manager or his/her designee, reserves the right to terminate the Purchase Order in whole or in part for default (a) if Seller fails to perform in accordance with any of the requirements of the order or (b) If Seller becomes insolvent or suspends any of its operations or if any petition is filed or proceeding commenced by or against Seller under any State or Federal Law relating to bankruptcy, reorganization, receivership or assignment for the benefit of creditors. Any such termination will be without liability to City except for completed items delivered and accepted by the City. Seller, will be liable for excess costs of procurement.
- 7) Indemnity/Insurance Requirements – Seller shall comply with applicable City requirements.

(TERM SHEET PROPOSED BLANKET PURCHASE ORDER WITH HACH)

- 8) Scope of Services – Seller shall provide WIMS software provides the necessary Quality Assurance/Quality Control analysis exception reporting with the ability to identify outliers, provides process routines to change activated sludge parameters on the computer to determine oxygen requirements, sludge production and clarifier capacity. In addition to the WIMS software, the Department of Public Utilities identified the Lab Cal, a proprietary module developed by the HACH Company, as a potential replacement for the existing laboratory information management system for the City's certified laboratory.
  - 9) Other Significant Provisions – Includes software updates and upgrades, telephone technical support, tests and onsite training services.
- cc: Wazir Ishmael, City Manager